

From: Miao, Tiffany A. <tmiao@bakerlaw.com>
Sent: Tuesday, December 8, 2020 7:18 PM
To: Kurow, Christina; NYSD Swain Corresp
Cc: Siegal, John; Solis, Tina; Schnapp, Daniel
Subject: RE: Intrepid Financial Partners, LLC v. Antonio C. Fernandez, Civil Action No.: 1:20-cv-09779-LTS-KHP

CAUTION - EXTERNAL:

Dear Judge Swain,

We write to inform you that the parties are working on resolving their dispute without the need for intervention by Judge Parker or your Honor. At the moment, we see no need to respond to counsel's factual contentions below. We would also like to note that non-party witnesses Stephen Trauber and Robert Willis are thus far being non-cooperative with the discovery process, and Citi has indicated that it is working on a document production.

Counsel will provide the Court with a response and/or update on the docket when available.

Thank you,
Tiffany

Tiffany Miao
Associate
Admitted in the State of New York, not admitted in the State
of California.

BakerHostetler
45 Rockefeller Plaza
New York, NY 10111-0100
T +1.212.589.4266

tmiao@bakerlaw.com
bakerlaw.com



From: Kurow, Christina <ckurow@nixonpeabody.com>
Sent: Tuesday, December 8, 2020 5:25 PM
To: SwainNYSDCorresp@nysd.uscourts.gov
Cc: Siegal, John <jsiegal@bakerlaw.com>; Miao, Tiffany A. <tmiao@bakerlaw.com>; Solis, Tina <tbisolis@nixonpeabody.com>; Schnapp, Daniel <dschnapp@nixonpeabody.com>
Subject: RE: Intrepid Financial Partners, LLC v. Antonio C. Fernandez, Civil Action No.: 1:20-cv-09779-LTS-KHP

[External Email: Use caution when clicking on links or opening attachments.]

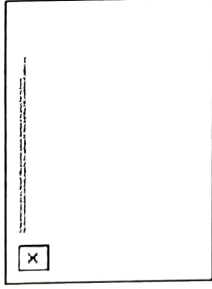
Dear Judge Swain,

Defendant writes to further update the Court on additional voluminous document productions Defendant has just received from Plaintiff since Defendant's previous email to the Court at 4:24 pm (EST).

After Plaintiff produced its initial 140 document production today, an hour past the deadline of 2:00 PM (EST), and one day after the initial deadline, Plaintiff produced an additional 140 files at 4:55 PM (EST), 111 files at 4:54 PM (EST), 404 files at 4:47 PM (EST), and 323 files at 4:42 PM (EST). As Defendant mentioned in his previous email, Defendant is not able to view the contents of these documents until they are loaded onto a review platform, which will not be completed until sometime tomorrow. Mr. Fernandez's deposition is scheduled to begin at 11:00 AM (EST), which does not provide the Defendant and his counsel an opportunity to review prior to his deposition. We also do not know whether additional document productions are forthcoming from Plaintiff.

Accordingly, Defendant respectfully requests that Your Honor allow Defendant to present Mr. Fernandez for deposition at a later date.

Respectfully submitted,



Christina E. Kurow

Associate

ckurow@nixonpeabody.com

T 312-977-4642 | C 708-404-1002 | F 312-977-4405

Nixon Peabody LLP | 70 West Madison, Suite 3500 | Chicago, IL 60602-4224

nixonpeabody.com | @NixonPeabodyLLP

Nixon Peabody *Pro Bono* Champion

Please consider the environment before printing this email.

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

From: Kurow, Christina

Sent: Tuesday, December 8, 2020 3:24 PM

To: SwainNYSDCorresp@nysd.uscourts.gov

Cc: Siegal, John <jsiegal@bakerlaw.com>; Miao, Tiffany A. <tmiao@bakerlaw.com>; Solis, Tina <tsolis@nixonpeabody.com>; Schnapp, Daniel <dschnapp@nixonpeabody.com>

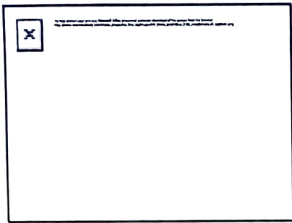
Subject: Intrepid Financial Partners, LLC v. Antonio C. Fernandez, Civil Action No.: 1:20-cv-09779-LTS-KHP

Dear Judge Swain,

As the Court is aware, this Firm represents Mr. Fernandez in the above captioned matter. Defendant respectfully requests immediate direction from the Court regarding the parties' expedited discovery.

The parties initially agreed to exchange their written document production yesterday per the Court's Order. We were informed by Plaintiff's counsel yesterday that Plaintiff would be unable to do so and the parties agreed to adjourn their production until today at 2pm EST, despite the fact that Plaintiff made a request for expedited discovery. Approximately one hour past the deadline, Plaintiff produced documents in load files, which generated an error message, and which will require approximately 12 hours to load and more time to review. Defendant Mr. Fernandez's deposition is scheduled for tomorrow at 11:00 AM (EST), leaving Defendant and his counsel with insufficient time to properly prepare for the deposition. Accordingly, Defendant respectfully requests that the Court allow Defendant to present Mr. Fernandez for deposition at a later date, within the Court's discovery deadline.

Respectfully submitted,



Christina E. Kurow

Associate

ckurow@nixonpeabody.com

T 312-977-4642 | C 708-404-1002 | F 312-977-4405

Nixon Peabody LLP | 70 West Madison, Suite 3500 | Chicago, IL 60602-4224

nixonpeabody.com | @NixonPeabodyLLP

Nixon Peabody *Pro Bono* Champion

Please consider the environment before printing this email.

This email message and any attachments are confidential and may be protected by the attorney/client or other applicable privileges. The information is intended to be conveyed only to the designated recipient(s) of the message. If you are not an intended recipient, please notify the sender immediately and delete the message from your email system. Unauthorized use, dissemination, distribution or reproduction of this message by other than the intended recipient is strictly prohibited and may be unlawful. Thank you.

This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

Any tax advice in this email is for information purposes only. The content of this email is limited to the matters specifically addressed herein and may not contain a full description of all relevant facts or a complete analysis of all relevant issues or authorities.

Internet communications are not assured to be secure or clear of inaccuracies as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, we do not accept responsibility for any errors or omissions that are present in this email, or any attachment, that have arisen as a result of e-mail transmission.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.